

## Relations industrielles Industrial Relations



# Building Democracy for Women and Sexual Minorities Union Embrace of Diversity Instaurer la démocratie pour les femmes et les minorités sexuelles Une vision syndicale de la diversité Edificar la democracia para las mujeres y las minorías sexuales Los sindicatos adhieren a la diversidad

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Pistes de renouveau syndical : défis et enjeux  
Paths to Union Renewal: Challenges and Issues

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### Résumé de l'article

L'accroissement du nombre de femmes et de la diversité au sein de la main-d'oeuvre canadienne a créé des possibilités de croissance, de regain et de revitalisation dans le monde syndical (Kumar et Schenk, 2006; Stewart, 2005; Yates, 2005). Cependant, des effectifs syndicaux plus hétérogènes ont également entraîné une possibilité de chambardement du statu quo, ont fait naître des exigences concurrentielles et ont miné la solidarité (Yates, 1998, 2005; Bacharach et Bamberger, 2004). Un des résultats des plus inquiétants de cet accroissement de la diversité réside dans une éventuelle menace à la solidarité interne. En d'autres termes, la solidarité demeure un élément critique de la vie syndicale, alors que la diversité accrue constitue un potentiel d'effritement; les syndicats doivent alors exercer une certaine diligence s'ils veulent grandir et se renouveler. Depuis qu'on a constaté des glissements démographiques significatifs au sein des effectifs syndicaux au cours des deux dernières décennies, une question clef se pose qui consiste à se demander dans quelle mesure les syndicats ont avec succès réagi aux défis que présente l'accroissement de la diversité.

Plusieurs organisations syndicales canadiennes ont franchi un bout de chemin dans leur réponse aux enjeux soulevés par deux groupes : les femmes et les minorités sexuelles (les homosexuels, les lesbiennes, les personnes bisexuelles et transsexuelles). Nombreuses sont celles qui ont mis à jour leurs statuts et leurs politiques de manière à tenir compte de ces deux groupes et à les accommoder de façon formelle. De plus, on constate qu'une apologie de la diversité émerge du discours officiel des syndicats. Les problèmes que ces derniers doivent continuer à affronter résident dans la manière de véhiculer localement ces idées sans trop soulever de résistance et de conflit, d'en maximiser l'acceptation, de concilier les différences et d'accroître la solidarité au lieu de l'affaiblir. Les deux cas que nous signalons dans cet essai ont été retenus parce qu'ils illustrent de façon dramatique un éventail de problèmes associés à ces ajustements au niveau local. Une étude de cas démontre une possibilité de prise en compte sérieuse de cet enjeu au niveau local et une deuxième étude de cas rappelle la manière dont l'équité salariale a été sabordée par le membership masculin, en croyant que tous les gains effectués par les femmes l'ont été à ses dépens.

Ces cas mettent en évidence des freins significatifs à l'avancement d'une compréhension de la diversité chez les organisations syndicales. D'abord, on peut y déceler une résistance de tout acabit, ouverte et non contestée. Deuxièmement, des membres historiquement puissants peuvent choisir de résister aux accommodements en faveur de groupes historiquement plus faibles tels que les femmes et les minorités sexuelles. Troisièmement, on peut observer chez les hommes quelquefois une croyance à l'effet que de tels accommodements se font à leurs dépens. Ceci peut déboucher sur une mentalité de perdant-gagnant, « elles ou bien nous ». Ces problèmes engendrent le risque d'une solidarité interne qui va en s'effritant et qui fait appel aux compromis. Aucune des entraves, que nous venons d'identifier, présente des solutions simples, quoiqu'un effort de planification, d'éducation et de suivi peut aider. De plus, on propose des avenues de recherche qui prennent en compte les facteurs susceptibles de promouvoir un changement (ou bien de les retarder) et une pleine compréhension de la diversité au niveau local.

# ***Building Democracy for Women and Sexual Minorities***

## ***Union Embrace of Diversity***

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*This article assesses Canadian labour's response to changed demographics by considering the way unions have engaged with women and sexual minorities (gay, lesbian, bisexual and transgendered people). Many unions have now adopted inclusive policies. However, to consider how effectively these policies have been articulated and implemented at the local level, we consider two illustrative cases. One case involves a serious breakdown at the local level over pay equity for women; another case tells the story of a local's support for a gay man's challenge to a school board. We conclude that labour's apparent formal recognition of women and sexual minorities has not necessarily diffused into effective accommodation locally, although we also find grounds for optimism.*

A greater number of women and increased diversity within the Canadian workforce have brought with them the potential for union growth, renewal and revitalization (Kumar and Schenk, 2006; Stewart, 2005; Yates, 2005). However, a more heterogeneous union membership has also brought with it the potential to upset the status quo, generate competing claims, and undermine solidarity (Yates, 1998, 2005; Bacharach and Bamberger,

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2004). As a result, unions face a significant challenge: how to embrace women and a more diverse membership, and at the same time, maintain internal cohesion. This paper uses two detailed cases to capture some of the challenges unions experience at the local level when responding to claims for recognition, acceptance and accommodation raised by women and sexual minorities. These illustrations offer grounds for optimism and pessimism about union embrace of diversity.

### ***DIVERSITY, SOLIDARITY, AND THE UNION***

Union density has remained relatively stable over the past decade, oscillating between 30% and 31% (Akyeampong, 2004). Although Canadian labour has fared better than most labour movements in this regard, it too must be diligent if it is to prevent further erosion. This makes it imperative for unions to spread their appeal to the broadest constituencies possible if they are to grow and prosper. One of the reasons union density has remained fairly static is because of significant increases in female membership. In 1977, only 12% of union members were women; by 2004, 48% of union members were female. The rise in unionized women has been a result of increasing numbers of women in the workforce, increases in the presence of women in the highly unionized public sector, and rising unionization rates among part-time workers who are disproportionately women (Akyeampong, 2004). Not surprisingly, women have also become more active in the life of their unions, demanding a greater voice in decision-making and better access to executive and staff jobs. They have also fought to have more attention paid to the equity issues that directly affect their working lives (White, 1993; Briskin and McDermott, 1993; Briskin, 2002). Another reason for stable density is that unions have recruited members from minority groups defined by race and ethnicity, where much of the population growth has occurred through immigration. At the same time, increasing numbers of gay, lesbian, bisexual and transgendered (GLBT) people have “come out” in their workplaces, and in their unions and are now a more visible part of the labour mosaic. Similarly to women, minorities have demanded their unions fight for a broader set of equality issues, and have pushed unions to secure equal access to benefits, and create more inclusive and welcoming organizational climates (Hunt, 1997, 2002). As a result of demographic and social change, unions which have been accustomed to making policy and defending members on the basis of “one size fits all” have been under increasing pressure to act less unilaterally. Unions are now under pressure to “walk the talk” in terms of diversity, inclusion and equity—not simply “talk the talk.”

A sizeable literature tells us that a change in membership composition has an impact on group and organizational dynamics, and that this effect

is more likely to be negative or counterproductive if the new members are demographically dissimilar (Williams and O'Reilly, 1998; Bacharach and Bamberger, 2004<sup>1</sup>). Several theoretical frameworks help to explain why this happens. First, similarity-attraction theory suggests that people are attracted to others with similar physical, status, age, and social traits, and will find it easier to bond and agree on goals when they share similar traits. In contrast, people with dissimilar traits are less likely to be attracted to each other, and when compelled to work together will be more likely to experience conflict, less likely to agree on goals, and more likely to lack cohesion (Jackson, 1992; Zenger and Lawrence, 1989). Second, social identity theory suggests that people self-categorize into social identities based on such things as race, gender, and sexuality, and view newcomers that do not fit this identity as lower status or threatening (Tajfel and Turner, 1986). In other words, the in-group becomes unwilling to recognize, accept and accommodate the perceived "other." As Tsui, Egan and O'Reilly (1992: 552)<sup>2</sup> note, "the process of self-categorization is fundamental to the formation of in-groups and the widely documented tendency of individuals to prefer homogenous groups of similar others." Most of the research considering the specific consequences of increased diversity in workgroups does not consider unions, but an important exception is research by Bacharach and Bamberger (2004: 412–413). They found that demographic dissimilarity, especially gender, does have an impact on union loyalty and attachment, and conclude that the "reduced union attachment for men may stem from males' tendency to link gender to the loss of tight, occupational community embodied by the union," but for women it arises out of a feeling that "a male-dominated union fails to represent the interests of its female members." These researchers did not consider the consequences of sexual orientation, but we could imagine a similar outcome.

One of the most worrying outcomes of increased heterogeneity for a union is its potential threat to internal unity. Solidarity is at the core of union strength and power, and if weakened, the consequences are serious. Lévesque and Murray (2002, 2005) for example, argue that greater internal solidarity is directly linked to membership mobilization and local union bargaining power. They suggest that with "more fragmented social identities, internal union solidarity and union identity need to be constructed anew, and local democracy is the key lever for such a project" (Lévesque and Murray, 2002: 45). Yates (1998, 2005) also makes a strong argument for the link between solidarity and union mobilization, arguing that unions must find ways to avoid a breakdown in their collective identity when faced

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1. We are indebted to Bacharach and Bamberger's (2004) review for the development of this section.

2. Cited in Bacharach and Bamberger (2004).

with more heterogeneity. In other words, solidarity is critical for unions, increased diversity has the potential to dilute it, and unions must be diligent on this front if they are to renew and grow.

### ***RESEARCH METHODS***

As noted, there have been significant demographic shifts inside unions over the past couple of decades, and a theoretical base suggests that increased heterogeneity in organizations can threaten unity. The question we raise here is how successful have unions been in adjusting to the challenges produced by its changed membership. In particular, we ask if unions have been able to adjust to the challenges presented by more women, and by more open and demanding sexual minorities in their ranks. We ask these questions in relation to formal policy initiatives, and in relation to diffusion to the local level. In order to gauge how far unions have moved to update statutes and policies to recognize women and sexual minorities, we review the literature, finding there has been notable progress on this front. In order to understand how these policies have been diffused to the local level, and how potential conflicts and divisions have been handled, we consider in depth, two illustrative cases that create room for both optimism and pessimism.

The stories we will be highlighting were selected because they dramatically illustrate a range of issues associated with union embrace of diversity at the local level. One story illustrates the potential for serious take-up of diversity issues at the local level, another recounts how a historically dominant group (men) perceived that gains being made by a historically disadvantaged group (women) were at their expense.

In the first story, an issue as important as pay equity—equal pay for work of equal value—was scuttled by men in a local of the largest public service union in the country. The union president who favoured pay equity was removed from office and excluded from the life of the union. We selected this story because it demonstrates the extreme friction and breakdown in solidarity that can result when members confront pay inequality between men and women. Information for the case was collected when one of the authors (Haiven) was working as a journalist covering what had rapidly become a sensational story in Saskatoon. The researcher interviewed the President and fifteen other members of the union over the period 1994–96. In addition, the researcher interviewed three CUPE representatives in the regional office, including one “freshly-minted” representative who herself used to work as a secretary at the same School Board. A follow-up interview with a current union executive member was conducted in 2006.

In the second story, a male high school student was barred from taking his same-sex date to the prom, and received significant union support during

his appeal process. We selected this case because it highlights the distance a union local can go to support the rights of a minority group, and in this case, without any apparent conflict or disunity. Though the student himself was not a member of the union (his father was), the Canadian Auto Workers Union, along with its largest local, championed his right to attend his prom with his date. Information for this story was collected by one of the authors (Hunt) using a search of newspaper, television, and internet stories related to the case. Additional information was gathered by viewing the documentary film "Prom Queen."<sup>3</sup> Hunt was also a participant-observer at Toronto-based demonstrations to do with the case, and took notes as events unfolded at protests and in the news. Hunt also had a confidential phone interview with a key player in the union local.

Our research methods allow us to explore in depth the differences between national policy and behaviour at the local level. At the same time, these are unique to their context and circumstances, and we do not wish to suggest that other situations would be the identical. Nonetheless, from these particular cases we learn about a range of challenges facing unions when grappling with issues related to increased diversity such as pay equity and gay rights, and about some of the potential ways to overcome the conflict this can produce.

### ***UNION RESPONSE TO EQUITY FOR WOMEN***

The number of women in the labour force has grown steadily since the 1970s. By 2006, nearly half of the paid labour force was female, as was the percent of union members. With the increase of women in the paid workforce, and concomitantly into the labour movement, issues such as sexual harassment, employment equity, pay equity, and work-life balance, which had previously received scant attention, moved into the spotlight. Some unions had already been committed to the removal of the most obvious discriminatory practices, but the emergence of women's caucuses in the 1970s and 80s led the charge for a more radical agenda. From the early 1980s onward, there were signs that such activism was bearing fruit, though unevenly across unions and across gender issues (Kumar and Acri, 1992; White, 1993; Briskin and McDermott, 1993). By 2000, many unions had executive seats reserved for women, most union constitutions had been amended to include policies designed to curb harassment, many unions had women in formal leadership roles, women were a growing presence on bargaining committees, and women's participation in their

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3. "Prom Queen: The Marc Hall Story." Video produced by John L'Écuyer (Toronto, 2004).

unions also grew as child care became more widely available at union meetings (Briskin, 2002). However, despite increases in the formal recognition of discrimination, and in women's capacity to participate in their unions, gendered attitudes and behaviours did not simply disappear. Forrest (2004: 69), for example, notes the gains for union women have been "impressive," in such areas as harassment policies and paid maternity leave, and particularly in the public sector, but argues that these gains have been made within a system that remains "male and industrial" in its focus and orientation, especially at the local level. As Briskin (2002: 38) puts it, while women's (and other equity) issues have been "integrated into union discourse," they have not necessarily been "fully operationalized in the daily life of unions."

In the last two decades, one issue has become a key litmus test many women use to assess labour's response to their concerns: pay equity (White, 1993; Fudge, 2000). Not that many years ago in most Canadian workplaces, there was a women's wage scale and a men's scale. For doing the same job, women usually earned at least 20 percent less than men (White, 1993). Indeed, no small number of these dual scales were enshrined in collective agreements and supported by trade unions. However, since the 1970s, equal pay for the *same* work has been enshrined in labour standards legislation in every province, and few would argue with the underlying principle. Pay equity, on the other hand, is something quite different. It is a system designed to pay employees based on the relative value of the work performed—without regard for the gender of the worker—and by so doing, reduce the gender wage gap. While most provinces have pay equity legislation covering public sector employees, only two—Ontario and Quebec—have pay equity legislation which covers both public and private sector workers. Since pay equity deals with the comparable worth of employees or their value to the organization, it is a difficult and emotionally-loaded subject for many workers. Within the union movement itself there are sometimes grumblings that women, in demanding pay equity, are asking for special consideration and thereby challenging the basic tenet of trade unionism that every union member is supposed to be equal. However, the continued gendering of the workforce has meant that most women simply do not do the same work as men (Charles, 2004; Fortin, 2002). More than that, the work that most women do in areas such as clerical work, retail sale, cleaning, nursing and education is typically paid at levels below the work that men do with broadly similar levels of skill, effort, responsibility and working conditions (Broad, 2000; Fortin, 2002; Phillips and Phillips, 1993). Some men say that the ills of society, including the discrimination against women, cannot be blamed simply on the current generation of working men. Not surprisingly, unions can get caught in the cross-fire of these debates.



### *Jerry Kovak's Story*

This story<sup>4</sup> recounts how pay equity was scuttled by male union members in a Saskatchewan local of the Canadian Union of Public Employees (CUPE). In 1993, Jerry Kovak was the president of CUPE local 2268. For ten years, Kovak, a caretaker, progressed through the union ranks by taking up training opportunities, and had completed eighteen courses and workshops in areas such as sexual harassment and pay equity. From his early days on the negotiating committee, he was struck by the discrepancy between the pay for support staff (mainly female), and the service staff (overwhelmingly male). Secretaries earned 30 percent less than most caretakers. Teachers' aides—who often had some university or college training—earned less than secretaries. Income inequalities were further sharpened by the fact that while caretakers worked year round, secretaries and teachers' aides were hired for only ten months and laid off in the summertime. Kovak and the other local executive members, who happened to be women, wanted to do something about this. They found allies in several of the top school board administrators.

Despite the lack of enabling pay equity legislation in Saskatchewan, the School Board and the union decided to devise a formal system outside the regular collective bargaining process to evaluate jobs. The School Board also set aside a fund, over and above negotiated wage increases, for the upward adjustment of wages as a result of pay inequities.

A joint evaluation committee which included management and union members was struck. The committee asked employees to fill in a 35-page questionnaire to assess factors such as knowledge, experience, effort, and working conditions. Some workers had trouble filling in the forms; others distrusted a process which broke their jobs down to very small bits. Some caretakers took pains to write that they helped children who were lost, cut off the locks on bikes for kids who had forgotten their keys and wiped children's noses when they fell in the playground. Interestingly, none of the women secretaries noted those kinds of details. One said, "Oh, we do that all the time. I never thought of writing it down as part of my job."

The questionnaires provoked jealousies among the members, even among the women themselves. The school secretaries were dismayed to see the evaluations suggested that the teachers' aides were the most undervalued and were earning less than secretaries. The secretaries knew little about the level of personal care, including heavy lifting and catheterizing students that teachers' aides performed. Some of the misunderstanding between

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4. Pseudonyms have been used throughout this case. For clarification or veracity, contact Judy Haiven.



the secretaries and the teaching aides, however, was alleviated through discussion. The more serious problem that emerged was the animosity exhibited by a small but vocal contingent of men in the service area. Despite the fairness of the rating system, the male workers refused to believe it. They believed what they saw: a secretary sitting at her job answering the phone. But in reality, the secretary was doing two or three things at once, including answering the phone, counting the petty cash and dealing with a sick child. The office was often crowded, with poor lighting and ventilation. She spent hours staring at a computer screen, suffering headaches and back pain. At the same time, the secretaries stereotyped the caretakers as walking down the hall pushing a mop with not much other work, especially since the caretaker would come into their office to talk, claiming to be bored.

Once questionnaires were coaxed out of all the employees, the committee began sorting through them and developing an evaluation scheme that both parties could agree upon. This took nearly two years and eighty meetings. Finally the committee proposed eight pay bands and a salary scale to match. Twenty-three of the men—mainly in maintenance—were “red-circled” while over two hundred of the women, predominantly secretaries or teachers’ aides, were “green-circled.” There was no change for the remaining eighty employees.

The committee’s recommendations to “red-circle” two dozen men and “green-circle” a large number of women provoked widespread debate and anger. One maintenance man scoffed, “Secretaries don’t want to work that hard. Teachers’ aides look after one kid all day. They are trying to say the aide is worth \$400–\$500 a month more than a maintenance man. The secretary makes more money than an assistant caretaker does. For the hours worked, she’s making more.” Another maintenance man vigorously disagreed with the secretaries being “green-circled” because they have more responsibility. “If a kid got locked in a school and there’s a fire, my butt is on the line: a secretary, her biggest responsibility is to switch off the computer at the end of the day.”

One school secretary said, “We were accused of taking money out of [the men’s] pockets.” What was at stake here was more than just money. Money may have triggered the men’s reaction, but the anti-woman talk, the denigration of women’s jobs by saying they worked for “pin money” and some service workers’ threats were typical of the male “backlash.” In January 1993, a union meeting was called to discuss the Joint Job Evaluation Committee report. Some of the men lined the hallways jeering at women members who arrived. A number of the men sat in a corner, one publicly saying to the crowd, “there’s no damn way a secretary is gonna make as much money as I am.” One group of men sat outside in the parking lot with video cameras trained on anyone attending the meeting.

Caretakers and tradesmen began to have their own meetings, not allowing secretaries, teachers' aides or the union president (Kovak), to attend. They brought forward a motion to split the union, and in an open vote a majority approved it. The Board opposed a new union but when confronted by the threat of decertification and possible job action, backed down. The same thing happened with CUPE at the provincial and the national levels. Suddenly, one union representative suggested that job evaluation had merely been an exercise, and not meant to advance pay equity.

Subsequently, the union did split into two locals: one local for secretaries and teachers' aides, and a different local for the caretakers and maintenance staff. Kovak became a member of the new local, and its executive blocked him from any leadership role. Kovak recalls, "It was the end of my involvement in the union. I no longer sat on the local executive. I had to give up my position and couldn't run for office in the CUPE Saskatchewan Division, because you have to have credentials from the local union to be on the Division. I could not be on any committees." He does not go to local meetings now—but what bothers him the most is that, "none of them [new leaders] have any training at all, and they still have tunnel vision." He said: "It's like I don't exist; I'm an asshole and a skirt."

Updated to 2006, this story has a happier ending than might have been expected. Leah Smith, president of the local which now represents the mainly female teaching assistants and clerical staff, says that the split provided the opening to talk about men's and women's work and that their support workers' wages now exceed caretakers' and building operators' in the other local. Smith thinks management began to take the support staff more seriously after the split. The provincial office of CUPE says it is trying to negotiate a province-wide framework agreement that would force the government to address wage disparities.

### ***UNION RESPONSE TO SEXUAL MINORITIES***

Until recently, discriminatory laws, combined with a lack of social, family, religious or political support meant that most individuals who were "out" had few prospects for secure employment. Kinsman (2000) found that as recently as 1968, the RCMP had "active" files on over 9,000 people suspected of being homosexual, and therefore "security risks" needing to be purged from employment. When a gay and lesbian rights movement emerged in the 1970s, the blatantly discriminatory practices of most organizations made the workplace an obvious target for change (Warner, 2002). Pressure began to increase on organized labour to acknowledge such discrimination, and take seriously its duty to represent all workers,

including sexual minorities, and before long, activists were mobilizing within unions (Hunt, 1997).

The first set of demands made by GLBT activists was to be included in non-discrimination policies. Once this was achieved, these clauses were used to help secure same-sex relationship recognition in benefit and pension programs, especially since they provided the basis for grievances and arbitration. Activists also sought to secure more inclusive and welcoming working environments, including formal representation in decision making. Over time, more unions began to acknowledge the fact that sexual minorities were part of their current or potential membership base, and warranted at least some attention. By the early 2000s, a growing number of unions had offered political support for equity in law, prohibited discrimination in their own operations, established GLBT caucuses, pushed locals to bargain for inclusive benefits programs in collective agreements, and initiated education programs to confront prejudicial attitudes and behaviours. Labour's commitment to sexual diversity issues varies across employment sectors, regions of the country, and the equity issue being addressed, but important policy shifts have taken place (Genge, 1998; Hunt, 1999, 2002; Brown, 2003).

### *Marc Hall's Story*

"I feel at ease now just knowing that we're getting free of discrimination," Marc Hall was quoted as saying, sporting a white tuxedo and hair dyed blue, as he prepared to hop in a limousine with his 21 year old boyfriend en route to the high school prom.<sup>5</sup> Marc was justifiably excited since only a few hours before had Ontario Superior Court Justice Robert McKinnon granted Marc's request for an interlocutory injunction against the Durham Catholic District School Board.<sup>6</sup> Marc had launched his case in May 2002 after school officials told him not to bring his boyfriend to the annual right-of-passage dance for graduating students at a Catholic high school in Oshawa, Ontario.

The School Board's lawyer argued in court that what Marc wanted to do was "not consistent with teachings of the church," and that gay students could attend the dances, but only if they went alone, adding that if two people of the same-sex held hands, kissed or danced together on school property, they would be disciplined or expelled. Marc's dilemma soon became a major news story throughout Canada, usually characterized as a "David and Goliath" morality tale. The case was made all the more

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5. CBC National News (on-line edition), 22 May 2002.

6. *Hall (Litigation Guardian of) v. Powers*, [2000] 213 D.L.R. (4<sup>th</sup>) 308 (Ontario S. C. J.).

cinematic by the fact Marc and his boyfriend were literally waiting in tuxedos as the decision came down from the courts.

To the casual observer, it might have seemed a bit odd when the Canadian Auto Workers Union (CAW) emerged as one of the main allies for Hall. As soon as the case broke, the union was helping to form and lead a coalition of gay rights activists, politicians and others in support of Hall. Among other things, the union paid for a bus to take supporters to protest in front of the courthouse, organized a press conference of labour leaders (including the English Catholic teachers' union, CUPE and PSAC) in support of the case, and made its public relations office available at no charge to assist in the co-ordination and handling of media requests for access to Hall and his family. But, to those in the know, the fact the CAW assumed a leadership role in support of Hall was not a surprise. Insiders knew the union had for a number of years been taking sexual orientation discrimination seriously, and this was one further indication of a willingness to act on its progressive rhetoric. When the CAW split from the UAW in 1985, its constitution contained a clause indicating that it would unite all workers without regard to such things as "sexual preference." This made it the first private sector union in the country with such a provision. Since then, the CAW has amassed an impressive record on GLBT rights. The first gay and lesbian caucus was formed in 1990, and by 2006 there were six regionally based GLBT groups (including one in Oshawa). By 1996, the union had negotiated same-sex benefits at companies such as Northern Telecom, and General Motors. In 1999 the union added transgender issues to its bargaining agenda, and in 2003, adopted a comprehensive Pride Statement outlining a renewed commitment to sexual diversity issues inside and outside the labour movement.

Even if it might have been predicted that head office representatives of the auto workers' union would speak in support of Hall, it came as more of a surprise when CAW local 222 did the same. This local is the largest private sector union local in the country, representing 22,000 active and retired members at a number of workplaces, including General Motors. Although the CAW stands out as one of the country's most progressive unions on sexual diversity issues, local 222 was never thought to be on the leading edge. In fact, according to some gay and lesbian members of the local, it was for a long time inhospitable for GLBT people. They tell stories about harassment of lesbians who worked on the line at General Motors, and about workers refusing to work beside openly gay men, especially when the issue of AIDS first emerged.

After Hall was told that he would not be allowed to take his boyfriend to the prom, he went to the next regular meeting of the School Board to get them to reconsider. In addition to the busload of people that had been

arranged by the CAW, Mike Shields, President of local 222, showed up. Once the meeting began, School Board Chair, Mary Ann Martin, indicated that they would not hear the case, or let Marc speak, since it was not on the agenda. This prompted Shields to rush to the microphone and shout “your Board created this situation and you are obliged to hear him speak.” Once again the Board refused to budge. Shields continued to protest. He was told he was disrupting the meeting, and if he did not stop, that the police would be called to deal with the matter. Board Chair Martin subsequently did call the police and had Shields escorted from the meeting. After the meeting Shields said: “Unfortunately, I believe this whole issue of restricting one student’s choice as to who they may take to a high school prom has given the community of Oshawa a black eye. In challenging other leaders in the community to speak out on this issue, I want to let this country know the separate School Board’s discriminatory stance is not reflective of this city. With the national media coverage, it now seems that some forms of bigotry are accepted in our community, and I don’t want this to be how Oshawa is viewed.”

By and large, the outcomes for the union, the local and the people involved were positive. Shields reported that several gay or lesbian workers contacted him to say that for the first time, they felt they were part of the union. The media coverage of the case and the union’s involvement was mostly positive. Not long after Shield’s involvement in the case, he was promoted to the CAW head office as an organizer.

### ***THE SIGNIFICANCE OF THE STORIES***

This set of stories offers intriguing portraits of union life at the local level. By looking in detail at local activities, we are able to appreciate how deeply a union may be prepared to act on equity policy and rhetoric, and how far it has gone in building democracy. We are able to gain insight into the problems that occur with implementing diversity initiatives. In the case of Kovak, local dynamics prevented the union from moving forward on pay equity, whereas in the Marc Hall case, there is evidence that the local was capable of taking steps towards the celebration and support of equality. In Hall’s case, the CAW local went so far as to defend the rights of a person who was not even a member.

We must be cognizant that the stakes in these cases and stories were different. The pay equity debacle that Kovak initiated opened fissures that struck at the very heart and soul of the union local—equity between men and women—and tore it apart. The union’s support for Marc Hall, by contrast, occurred with much less economic cost to union members, much less direct association with the union local’s membership, and with less potential to

tear the local apart. It could be argued that it was less factious because it required only symbolic endorsement, but this would underestimate its importance. If Hall's appeal for help had taken place in another union, or in a different local, or in another time period, the decision to support publicly the rights of a same-sex couple might well have split union members, just as the pay equity issue had in the Kovak case. It could also be that the Kovak case involved money and the perceived loss of it to one group, while the Hall case did not.

In the Kovak case, a job evaluation officer sent by CUPE's national office believed that the union and management were working toward pay equity. Part of the problem, she conceded, may have been the red-circled positions. CUPE policy, according to this officer, was no red-circling. In other words, pay equity did not take away any negotiated wage increase from any member of the bargaining unit. No increase could be held back from the red-circled people. Rather, pay equity was a series of upward adjustments to the green-circled employees' pay cheques. But can there be one without the other? Every time a red-circled person gets a negotiated wage increase—even as little as two percent—it makes it that much harder for someone on a green-circled pay grid to catch up. It was clear that those red-circled could not get the negotiated pay increase if pay equity were to be implemented. This case highlights the fact that union locals must adequately educate members and anticipate opposition if they are truly dedicated to gender wage parity.

## ***CONCLUSIONS***

Our analysis suggests that labour has acknowledged its more diverse constituency, and that many unions have set in motion policies designed to remove discrimination and bias. However, these good intentions have not necessarily been diffused to the local level. We have illustrated a situation where a union local made positive adjustments to changed demographics and an example where the breakdown in co-operation and social cohesion was extreme.

Social identity theory suggests that a dominant group may be unwilling to accommodate the perceived other, and the Kovak story highlights how this process can work in a union. In this case, the historically-dominant group (men), undertook hostile measures to thwart efforts to equalize pay between themselves and the less dominant group (women). The men forced a split in the union rather than accommodate the pay parity initiative. In other words, despite Kovak and his committee's best efforts to implement a pay equity plan, the male members were able to derail it. What might have proved an opportunity to learn about each other's job, and how

women's work has traditionally been undervalued, escalated into an "us and them" conflict. This was due to several things. First and foremost was the perception on the part of the men that women did not deserve to earn what their male counterparts earned. This backlash stemmed in part from a genuine confusion about the process of job evaluation and—more ignobly—a view that women's work was of less value than men's work and should not be compensated as well. Second, the union's position was ambivalent. At the start, the national office of CUPE tried to help the process by sending a consultant from its Ottawa headquarters to work on the job evaluations. The problem arose when the men in the local union began to grumble about the red-circling in their ranks and the green-circling of mainly the women, and CUPE's provincial office refused to confront the issue head on.<sup>7</sup> Sensing a split in the local union and perhaps a decertification, the provincial office took a hands-off approach, hiding behind the excuse that the union should not go forward without province-wide pay equity legislation. After the union split into two bargaining units, shaped mostly by gender, pay parity was achieved, but the costs were very high in terms of labour cohesion and solidarity.

The Hall story, on the other hand, challenges the inevitability of conflict as suggested in both social identity and social attractions theories, opening room for a more optimistic view about union response to increased heterogeneity. A number of reasons help to explain these more encouraging outcomes. The fact the CAW President and the President of its largest local were ready to engage with Hall's bid to take his same-sex partner to a graduation dance were a direct outcome of the CAW's drive over the years to make sexual orientation a union issue. The union had made clear that prejudice against GLBT people would no longer be tolerated through internal publications, education materials, training programs, and other actions, and the Hall case afforded an opportunity to act on this commitment. Without such policy and practices already in place, it is highly unlikely the union would have engaged as it did. Also important was the fact that Marc Hall's father was a member of the local, thus giving it a more personal reference point. Perhaps another reason was the fact that this particular issue did not have any direct economic or social impact on local union members and was handled outside of their sphere of influence. If the membership had voted on the desirability of supporting Marc Hall in such a public way, the results might have been different.

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7. We do not mean to imply that CUPE's reaction is better or worse than other unions. In recent years, CUPE has supported a number of pay equity claims and taken the lead on a number of equity fronts.



Although these cases offer specific examples of union embrace of diversity, we suggest they can provide lessons to a wider set of situations. Theory predicts that conflict may occur as unions become more demographically dissimilar and are forced to reckon with expanded representational and accommodation issues. The cases we offer here suggest that this conflict is best handled, first, by anticipating it, and second, by preparing for change. In these cases, educational programming and the development of articulated and enforced policies at the local level clearly made a difference. These cases also highlight the need for union centrals to support and push their locals unambiguously in the drive to embrace a more diverse membership.

We have been able to provide only a limited set of stories about union embrace of increased diversity. We selected two cases that help to illustrate the range of union responses to diversity, and that offered detailed accounts of the dynamics involved when locals engage with more diversity. From our stories we can appreciate how conflict and disunity develop in at least some unions, and how it might be reduced or avoided, but other situations might be quite different. Further research considering the forces that retard or facilitate the embrace of diversity at the local level would greatly assist in labour's broader equity project.

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## RÉSUMÉ

### **Instaurer la démocratie pour les femmes et les minorités sexuelles : une vision syndicale de la diversité**

L'accroissement du nombre de femmes et de la diversité au sein de la main-d'œuvre canadienne a créé des possibilités de croissance, de regain et de revitalisation dans le monde syndical (Kumar et Schenk, 2006; Stewart, 2005; Yates, 2005). Cependant, des effectifs syndicaux plus hétérogènes ont également entraîné une possibilité de chambardement du statu quo, ont fait naître des exigences concurrentielles et ont miné la solidarité (Yates, 1998, 2005; Bacharach et Bamberger, 2004). Un des résultats des plus inquiétants de cet accroissement de la diversité réside dans une éventuelle menace à la solidarité interne. En d'autres termes, la solidarité demeure un élément critique de la vie syndicale, alors que la diversité accrue constitue un potentiel d'effritement; les syndicats doivent alors exercer une certaine diligence s'ils veulent grandir et se renouveler. Depuis qu'on a constaté des glissements démographiques significatifs au sein des effectifs syndicaux au cours des deux dernières décennies, une question clef se pose qui consiste à se demander dans quelle mesure les syndicats ont avec succès réagi aux défis que présente l'accroissement de la diversité.

Plusieurs organisations syndicales canadiennes ont franchi un bout de chemin dans leur réponse aux enjeux soulevés par deux groupes : les femmes et les minorités sexuelles (les homosexuels, les lesbiennes, les personnes bisexuelles et transsexuelles). Nombreuses sont celles qui ont

mis à jour leurs statuts et leurs politiques de manière à tenir compte de ces deux groupes et à les accommoder de façon formelle. De plus, on constate qu'une apologie de la diversité émerge du discours officiel des syndicats. Les problèmes que ces derniers doivent continuer à affronter résident dans la manière de véhiculer localement ces idées sans trop soulever de résistance et de conflit, d'en maximiser l'acceptation, de concilier les différences et d'accroître la solidarité au lieu de l'affaiblir. Les deux cas que nous signalons dans cet essai ont été retenus parce qu'ils illustrent de façon dramatique un éventail de problèmes associés à ces ajustements au niveau local. Une étude de cas démontre une possibilité de prise en compte sérieuse de cet enjeu au niveau local et une deuxième étude de cas rappelle la manière dont l'équité salariale a été sabordée par le membership masculin, en croyant que tous les gains effectués par les femmes l'ont été à ses dépens.

Ces cas mettent en évidence des freins significatifs à l'avancement d'une compréhension de la diversité chez les organisations syndicales. D'abord, on peut y déceler une résistance de tout acabit, ouverte et non contestée. Deuxièmement, des membres historiquement puissants peuvent choisir de résister aux accommodements en faveur de groupes historiquement plus faibles tels que les femmes et les minorités sexuelles. Troisièmement, on peut observer chez les hommes quelquefois une croyance à l'effet que de tels accommodements se font à leurs dépens. Ceci peut déboucher sur une mentalité de perdant-gagnant, « elles ou bien nous ». Ces problèmes engendrent le risque d'une solidarité interne qui va en s'effritant et qui fait appel aux compromis. Aucune des entraves, que nous venons d'identifier, présente des solutions simples, quoiqu'un effort de planification, d'éducation et de suivi peut aider. De plus, on propose des avenues de recherche qui prennent en compte les facteurs susceptibles de promouvoir un changement (ou bien de les retarder) et une pleine compréhension de la diversité au niveau local.